CERTIFICATION UNDER 37 CFR 1.8

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Florence Twaddle
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	
Jakobsson et al.	:	
Serial No.: 09/717,513	:	Group Art Unit: 2136
Filed: 11/21/2000	:	Examiner: Parthasarathy, Pramila
Title: SECURE ENCLOSURE FOR KEY EXCHANGE	:	

BRIEF ON APPEAL (INCLUDES APPENDIX OF CLAIMS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following appeal brief is submitted pursuant the appeal, the notice of appeal being filed on September 1, 2004, with this brief, from the action of the primary examiner dated August

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24, 2004, in the above identified application. An authorization to charge a credit card for $660.00 for filing a notice of appeal and for filing this brief in support of the appeal for a large entity is included with this brief.

I.STATUS OF CLAIMS

Claims 1-25 are pending in the application. The final form of these claims is enclosed as an appendix to this appeal brief.

II. STATEMENT IDENTIFYING "REAL PARTY IN INTEREST"

The real party in interest in this matter is assignee Lucent Technologies, Inc., a corporation of the State of Delaware, having an office at 600 Mountain Avenue, Murray Hill, New Jersey, 07974-0636.

III.STATEMENT IDENTIFYING RELATED APPEALS AND INTERFERENCES

There are no other current appeals and there are no current interferences related to this matter.

IV.COPIES OF APPEAL PAPERS

One original and three copies of the appeal brief and appendix of final claims and all accompanying papers are enclosed.

V.APPENDIX OF CLAIMS INVOLVED IN FINAL FORM

An appendix of all the claims pending in the case in their final form is attached to the brief.

(Three copies and one original of the appendix are attached to the corresponding three copies and one original of the brief).

VI. STATUS OF AMENDMENTS

The present application, serial number 09/717.513 was filed on November 21, 2000. The present application as originally filed, included twenty-five claims. In a first office action dated April 26, 2004, the examiner rejected (A) claims 1-3, 10, 11, 14-16, 19, 20, and 25 under 35 U.S.C. 102(b) based on Driefus, U.S. Patent No. 4,575,621 (hereinafter "Dreifus") (B) claims 18 and 21-24 under 35 U.S.C. 103 based on Dreifus and Madsen, U.S. Patent No. 6,181,284 (hereinafter "Madsen") (C) claims 4-5 under 35 U.S.C. 103 based on Dreifus in view of Burge, U.S. Patent No. 5,550,529 (hereinafter "Burge") and Pihl, U.S. Patent No. 5,479,341 (hereinafter "Pihl"), and (D) claims 6-9, and 12-13 under 35 U.S.C. 103 based on Dreifus and Pihl, and (E) claim 17 under 35 U.S.C. 103 based on Dreifus and Brothers.

The applicant amended claims 1, 14, 19, 20, 22, and 25 in an amendment dated April 5, 2004.

In a final office action, dated August 24, 2004, the examiner rejected (1) claims 1, 14, 19, 20 and 25 under 35 U.S.C. 103 based on Dreifus in view of Reidinger, U.S. Patent No. 4,915,222 (hereinafter "Reidinger") (2) rejected claims 2-7, 9-13, and 15-16 under 35 U.S.C. 103 based on Dreifus in view of Reidinger, (3) rejected claim 17 under 35 U.S.C. 103 based on Dreifus in view of Brothers, (4) rejected claims 18 and 21-24 under 35 U.S.C. 103 based on Dreifus in view of Reidinger and Madsen, and (5) rejected claim 8 under 35 U.S.C. 103 based on Dreifus in view of Reidinger and Pihl.

Claims 1-25 are now pending in the case. The applicant is filing a notice of appeal

regarding the August 24, 2004 office action with this brief on September 1, 2004.

VII. SUMMARY OF INVENTION

Claim 1 of the present application specifies:

1. A method comprising:
placing a first device in an enclosure;
placing a second device in the enclosure;
sealing the enclosure while the first device and the second device are in the enclosure;
causing the first device to exchange a key with the second device while the first device and the second device are in the enclosure and while the enclosure is sealed;
removing the first device and the second device from the enclosure after the key exchange; and
using the key to allow the first device and the second device to communicate with each other using methods of encryption outside the enclosure.

In the present application, in one or more embodiments, a first device, such as device 100 and a second device, such as device 200, are both placed in an enclosure, such as enclosure 10. (Present application, Fig. 1, pg. 9, 2nd and third paragraphs) The enclosure 10 is then sealed while the devices 100 and 200 are in the sealed enclosure 10. (Id.) The device 100 exchanges a key with the device 200 while the devices are in the enclosure 10 and while the enclosure 10 is sealed. (Present application, pg. 9, last paragraph). The devices 100 and 200 are removed from the enclosure 10 and the key is used to allow the devices 100 and 200 to communicate with each other outside of the enclosure 10.

Claims 2-13 are dependent on claim 1 and provide one or more further limitations.

Claim 14 of the present application specifies:

14. A method comprised of the steps of:
placing a first device into an enclosure;
connecting the first device to a transmitter, wherein the transmitter is connected to a first end of a cord device the first end of the cord device being inside the enclosure;
sealing the enclosure while the first device is in the enclosure and while the first device is connected to the transmitter;

wherein the cord device has a second end which is outside the enclosure; and wherein

the method further is comprised of connecting a second device which lies outside the enclosure, to the second end of the cord device;

and after connecting the first device to the first end of the cord device and after connecting the second device to the second end of the cord device, causing the first device to exchange a key with the second device while the first device is in the sealed enclosure;

removing the first device from the enclosure after the key exchange; and

using the key to allow the first device and the second device to communicate with each other using methods of encryption with the first device outside of the enclosure.

In one embodiment of the present invention, a device 570 is placed in a container 500. (Present application, Fig. 9, pg. 12, last paragraph – p. 13, second paragraph). The device 570 is connected to a transmitter 538 wherein the transmitter 538 is connected to an end of a cord or cable device 530, the first end or lead lines 532 of the cord device 530 being inside the container 500. (Id.) The enclosure 500 is sealed by placing a cover 508 on the container or enclosure 500 while the device 570 is in the container 500 plus the cover 508, and while the device 570 is connected to transmitter 538. (Id.) After a second device 580, lying outside the sealed enclosure (including container 500 and cover 508) is connected to a second end or lead lines 548 of the cord device 530, a key is exchanged between the first device 570 and the second device 580, while the first device is in the sealed enclosure. (Id.) The device 570 can be removed from the enclosure and can communicate outside of the enclosure with the device 580.

Claims 15-18 are dependent on claim 14 and provide one or more further limitations.

Claim 19 of the present application specifies:

19. An apparatus comprising:

means for causing a first device to exchange a key with a second device; and

means for preventing a third device from determining a key which is exchanged between the first device and the second device, and

wherein the means for preventing the third device from determining the key is comprised of an enclosure having a filtering material;

wherein the enclosure is adapted so that it can completely surround both the first device and the second device in order to prevent the third device from determining the

key.

In one or more embodiments of the present invention, an enclosure, such as enclosure 10, is provided as part of a means for preventing a third device from determining a key exchanged between first and second devices. (Present application, pg. 8-10; Fig. 1). The enclosure 10 is adapted so that it can completely surround both the first and the second devices. (Id.)

Claims 20-21 are dependent on claim 14 and provide one or more further limitations.

Claim 22 of the present application specifies:

> 22. A portable device comprised of:
> a Bluetooth transmitter;
> a port for physically and electronically connecting the portable device to a first device;
> wherein in a first mode the Bluetooth transmitter of the portable device locates a second device and performs a key exchange with the second device via a wireless channel;
> and wherein in a second mode the port of the portable device is physically and electronically connected to the first device so that the portable device can communicate with the first device; and wherein the portable device communicates a key to the first device obtained from the key exchange with the second device.

In one or more embodiments of the present invention, a portable device, such as device 720 is provided. (Present application, pg. 14, last paragraph, Figs. 11A and 11B). The device 720 includes a Bluetooth transmitter and a port such as the port to which leads 742 and 744 are connected in Fig. 11B, for physically and electronically connecting device 720 to device 730. In a first mode the Bluetooth transmitter of the device 720 locates a device 722 and performs a key exchange with device 722 via a wireless channel. (Present application, Fig. 11A and pg. 14, first paragraph). In a second mode the port of the device 720 is physically and electronically connected to the device 730 (Fig. 11B), so that the device 720 can communicate with the device 730; and wherein the portable device 720 communicates a key to the first device 730 obtained from the key exchange with the device 722 (key exchange demonstrated by Fig. 11A).

Claims 23-24 are dependent on claim 22 and provide one or more further limitations.

Claim 25 of the present application specifies:

25.A method comprising:
placing a first device in an enclosure;
placing a second device in the enclosure;
sealing the enclosure while the first device and the second device are in the enclosure;
causing the first device to exchange a key with the second device while the first device and the second device are in the enclosure and while the enclosure is sealed;
removing the first device and the second device from the enclosure after the key exchange; and
using the key to allow the first device and the second device to communicate with each other using methods of authentication outside the enclosure.

In one or more embodiments of the present invention, a method is provided comprising placing a first device, such as first device 100 in an enclosure, such as enclosure 10. (Present application, Fig. 1, pg. 8, third paragraph) The method also includes placing a second device, such as second device 200 in the enclosure, such as enclosure 10. (Id.) The enclosure 10 is sealed while the first device 100 and second device are in the enclosure 10. (Present application, pg. 9, last paragraph). The method includes causing the first device 100 to exchange a key with the second device 200 while the devices are in the enclosure 10 and while the enclosure 10 is sealed. (Present application, pg. 9, last paragraph – p. 10, first paragraph). The first device 100 and second device 200 are removed from the enclosure 10 after the key exchange and the key is used to allow the first device 100 and the second device 200 to communicate with each other using methods of authentication outside the enclosure. (Present application, pg. 10, last paragraph).

VIII. ISSUES – REJECTIONS BY EXAMINER

The remaining issues in the case are as follows:

(A) Were claims 1-7 and 9-13 properly rejected under 35 U.S.C. 103(a) based on Dreifus in view of Reidinger?

(B) Were claims 14-16 properly rejected under 35 U.S.C. 103(a) based on Dreifus in view of Reidinger?

(C) Were claims 19-20 properly rejected under 35 U.S.C. 103(a) based on Dreifus in view of Reidinger?

(D) Was claim 25 properly rejected under 35 U.S.C. 103(a) based on Dreifus in view of Reidinger?

(E) Was claim 17 properly rejected under 35 U.S.C. 103(a) based on Dreifus in view of Brothers?

(F) Were claims 18 and 21 properly rejected under 35 U.S.C. 103(a) based on Dreifus in view of Reidinger and Madsen?

(G) Were claims 22-24 properly rejected under 35 U.S.C. 103(a) based on Dreifus in view of Reidinger and Madsen?

(H) Was claim 8 properly rejected under 35 U.S.C. 103(a) based on Dreifus in view of Reidinger and Pihl?

IX. THE REFERENCES

The following references are relied on by the Examiner in the rejection of the office action of August 24, 2004, which is currently being appealed:

1. Dreifus, U.S. Patent No. 4,575,621;
2. Reidinger, U.S. Patent No. 4,915,222;
3. Brothers, U.S. Patent No. 5,799,083;

4. Madsen, U.S. Patent No. 6,181,284; and

5. Pihl, U.S. Patent No. 5,479,341.

X. BRIEF DESCRIPTION OF THE REFERENCES

1. Dreifus, U.S. Patent No. 4,575,621

Dreifus discloses electronic transaction devices or cards 2 and 2' which are inserted into a terminal 20. (Dreifus, col. 16, lns. 13-44; Fig. 8A-8B) Various data can be transferred from one of the cards 2 or 2' to the other of the cards 2 or 2'. (Id.) However, there is no disclosure in Dreifus that the terminal 20 is sealed while the card 2 and card 2' are in the terminal 20. There is also no disclosure in Dreifus that the cards 2 and 2' communicate with each other outside of the terminal 20.

2. Reidinger , U.S. Patent No. 4,915,222

Reidinger discloses circuit board 4a which is encompassed by a plastic shielding bag 3a and circuit board 4b which is encompassed by a plastic shielding bag 3b. (Reidinger, col. 4, lns. 17-20 and lns. 36-42). Reidinger also discloses that shielding bags 3a and 3b are antimagnetic, and capable of electrostatic discharge to provide protection to the respective circuit boards from electrostatic voltage discharges and electromagnetic radiation. (Reidinger, col. 3, lns. 1-13). However, the circuit boards 4a and 4b are not placed together in the shielding bag 3a, nor are circuit boards 4a and 4b placed together in the shielding bag 3b. There is no disclosure in Reidinger that the circuit boards 4a and 4b communicate with each other.

3. Brothers, U.S. Patent No. 5,799,083

Brothers generally discloses various encryption methods relating to video signals. (Brothers, col. 4, lns. 1-14).

4. Madsen, U.S. Patent No. 6,181,284; and

Madsen generally discloses an antenna system for a portable computer. (Madsen, col. 6, lns. 23-26).

5. Pihl, U.S. Patent No. 5,479,341

Pihl discloses an enclosure 1 into which various electronics equipment can be placed. (Pihl, col., 3, lns. 58-67.). The enclosure 1 is typically a modified fireproof safe, and is capable of protecting interior components from external adverse conditions such as fire, heat, water, moisture, magnetic fields, static electricity, vibration, motion, theft tampering, unauthorized use, dust power interruption, light, sound, and sounding of building fire alarm. (Pihl, col. 4, lns. 49-58). However, there is no disclosure of any exchange of a key between devices inside the enclosure.

XI. ARGUMENT

A. Point I – Claims 1-7 and 9-13 should not have been rejected under 35 U.S.C. 103(a) based on Dreifus in view of Reidinger

The examiner has rejected claim 1 and dependent claims 2-7 and 9-13 under 35 U.S.C. 103(a) based on Dreifus in view of Reidinger.

Claim 1 of the present application specifies placing a first device in an enclosure, placing a second device in the enclosure, sealing the enclosure while the first device and the second device are in the enclosure, and causing the first device to exchange a key with the second device while

the first device and the second device are in the enclosure and while the enclosure is sealed.

Dreifus does not satisfy at least the combination of these limitations. In Dreifus, cards 2 and 2' are placed in terminal 20, but the terminal is not sealed while the cards 2 and 2' are in the terminal 20. (Dreifus, Figs. 8A-8B, col. 16, lns. 7-44).

Claim 1 of the present application also specifies removing the first device and the second device from the enclosure after the key exchange, and using the key to allow the first device and the second device to communicate with each other using methods of encryption outside the enclosure. Dreifus does not satisfy at least the combination of these limitations. There is no disclosure in Dreifus that the cards 2 and 2' communicate with each other outside of the terminal 20. Rather in Dreifus, one of the cards 2 or 2' is used to replace one of the other cards 2 or 2'. (Dreifus, Figs. 8A-8B, col. 16, lns. 7-44).

The examiner, in rejecting claim 1, has misread the Dreifus patent as follows:

(a) The examiner incorrectly asserts that Dreifus: Uses "the key to allow the first device and the second device to communicate with each other using methods of encryption outside of the enclosure" citing Dreifus col. 10, lns. 43-47 and column 18, lns. 40-49.

The examiner is respectfully incorrect. Dreifus does not disclose that card 2 and 2' communicate with each other outside of the enclosure or terminal 20. The examiner's cites appear to refer to terminal 20 (i.e. the enclosure) communicating with a card, such as card 2 or 2'.

(b) The examiner incorrectly asserts that Dreifus: "discloses sealing of the enclosure" citing Driefus, col. 3, lns. 18-25 "and after sealing the enclosure, causing the first device to exchange a key with the second device" citing Dreifus, col. 3, lns. 59-66 and col. 16, lns. 30-44. (8/24/04, office action, pg. 5, lns. 6-8)

The examiner is respectfully incorrect. The examiner has cited a section as shown below which refers to sealing of the individual card 2 electronics within its own plastic body. (Dreifus, col. 3, lns. 18-25) When Dreifus refers to a "portable electronic transaction device" he is referring to a "card", i.e. "portable electronic transaction device 2" is the "card 2". (Dreifus, col. 4, lns. 11-20)

When Dreifus refers to the "device is sealed in a container" he is talking about the card being encapsulated in a body, i.e. the card "is an electronic device which is encapsulated in a plastic body in the form of a flat card ..." (Dreifus, col. 4, lns. 11-20).

Card 2 may be a first device sealed in its own plastic body, and card 2' may be a second device sealed in its own plastic body, however, card 2 and card 2' are not both placed into the same enclosure which is then sealed. Assuming terminal 20 of Fig. 8A is an enclosure, card 2 and card 2' may be placed into terminal 20, but terminal 20 is not sealed while the cards 2 and 2' are in the enclosure.

Also there is no key exchange "after sealing the enclosure" because there is no sealing of the terminal 20 in Dreifus.

The examiner appears to concede that "Dreifus does not explicitly disclose sealing the enclosure while the first device and the second device" are in the enclosure and then "causing the first device to exchange a key with the second device while the first device and the second device are in the enclosure and while the enclosure is sealed." (8/24/04 office action, pg. 5, third paragraph, some apparent spelling errors). However, the examiner asserts that it would be obvious to do so in view of Reidinger. The applicant strongly disagrees with the examiner. Reidinger is directed towards a "packaging unit" (Reidinger, col. 1, lns. 50-53). Reidinger does not disclose that its printed circuit boards 4a and 4b communicate with each other at all. In fact, since Reidinger's printed circuit boards 4a and 4b are inserted into separate shielding bags 3a and 3b, respectively, it in all likelihood is not possible for printed circuit boards 4a and 4b to communicate with each other while each is in its separate bag. (Reidinger, col. 4, lns. 17-20 and lns. 36-42; col. 3, lns. 1-13).

Respectfully, there is no suggestion in Reidinger of placing first and second devices

inside an enclosure, sealing the enclosure, and then causing the first device to exchange a key with the second device inside the enclosure.

Claim 1 is submitted to be allowable for at least the foregoing reasons. Claims 2-13 are dependent on claim 1 and are submitted to be allowable for at least the same reasons.

In addition, with regards to claim 2, contrary to the examiner's assertions (8/24/04 office action, pg. 10, paragraphs 3-4) Dreifus does not disclose using a key to allow the card 2 and 2' to communicate with each other outside of the terminal 20. Rather one of the cards 2 or 2' is used to replace the other of cards 2 or 2'. (Dreifus, Figs. 8A-8B, col. 16, lns. 7-44)

Further with regards to claims 4, 5, 6, 7, 9, 12, 13 contrary to the examiner's assertions (8/24/04 office action, pg. 10, last paragraph – p. 11, 2nd paragraph, pg. 11, paragraph 3, pg. 13, paragraph 1, pg. 13, last paragraph, pg. 14, second paragraph, pg. 14, last paragraph, pg. 15, first paragraph) Dreifus and Reidinger do not teach two devices which transmit and receive information to and from each other in a sealed enclosure. In Dreifus the terminal 20 is not sealed and in Reidinger the printed circuit boards 4a and 4b are in individualized bags in all likelihood making it impossible for them to communicate.

Further with regards to claim 12, contrary to the examiner's assertions (8/24/04 office action, pg. 14, last paragraph) the door referred to by the examiner in Reidinger, does not when opened permit the first device to communicate with the second device as specified by claim 11 of the present application. Rather the door in Reidinger only allows the circuit boards 4a and 4b to be seen through their shielding bags 3a and 3b. (Reidinger, col. 4, lns. 47-51).

B. Point II - Claims 14-16 should not have been rejected under 35 U.S.C. 103(a) based on Dreifus in view of Reidinger

The examiner has rejected claim 14 and dependent claims 15-16 under 35 U.S.C. 103 based on Dreifus in view of Reidinger. Claim 14 of the present invention differs significantly from claim 1. Claim 14 does not specify placing two devices in an enclosure (as does claim 1). Rather, in claim 14 a first device is inside an enclosure while a second device is outside the enclosure. A key is exchanged between the first device which is inside the enclosure and the second device which is outside the enclosure.

In rejecting claim 14, the examiner incorrectly states that:

> "... it would have been obvious to a person of ordinary skill in the art ... to place the two devices in a sealed enclosure as taught by Reidinger to exchange a key between those two devices". (Office Action, 8/24/02, pg. 6 – pg. 7, second paragraph).

The rejection of claim 14 by the examiner makes no sense. Claim 14 specifies that the second device lies outside of the enclosure for key exchange. In addition, Reidinger, as previously discussed, inserts printed circuit boards 4a and 4b into individualized shielding bags 3a and 3b, respectively. With the printed circuit boards 4a and 4b inserted into their individualized shielding bags, it does not appear to be possible for the circuit boards 4a and 4b to communicate.

Claim 14 is submitted to be allowable for at least the above reasons.

Claim 15-18 are dependent on claim 14 and are submitted to be allowable for at least the same reasons.

The rejection of claim 14 and its dependents should not stand or fall with the rejection of claim 1 and its dependents, at least because of the significant differences between claims 1 and 14.

C. Point III - Claims 19 and 20 should not have been rejected under 35 U.S.C. 103(a) based on Dreifus in view of Reidinger

The examiner has rejected claim 19 and dependent claim 20 under 35 U.S.C. 103(a) based on Dreifus in view of Reidinger.

Claim 19 specifies:

> 19. An apparatus comprising:
> means for causing a first device to exchange a key with a second device; and
> means for preventing a third device from determining a key which is exchanged between the first device and the second device, and
> wherein the means for preventing the third device from determining the key is comprised of an enclosure having a filtering material;
> wherein the enclosure is adapted so that it can completely surround both the first device and the second device in order to prevent the third device from determining the key.

The terminal 20 in Dreifus does not completely surround both cards 2 and 2' (Dreifus, Fig. 8B) as specified by claim 19 of the present application. In Reidinger, the circuit boards 4a and 4b are placed in individualized shielding bags 3a and 3b, respectively. (Reidinger, col. 4, lns. 17-20 and lns. 36-42; col. 3, lns. 1-13). There is no disclosure in Reidinger of exchanging data between circuit boards 4a and 4b, and the individualized shielding bags 3a and 3b would appear to make such an exchange impossible.

Claim 19 is submitted to be allowable for at least the foregoing reasons. Claims 20 and 21 are dependent on claim 19 and are submitted to be allowable for at least the same reasons.

In addition, with regards to claim 20, contrary to the examiner's assertions (8/24/04 office action, pg. 12, last paragraph) Dreifus does not teach placing first and second devices into an enclosure and sealing the enclosure. I.e. terminal 20 is not sealed with the cards 2 and 2' placed inside of terminal 20.

The rejection of claim 19 and 20 should not stand or fall with the rejection of claim 1 and dependents or 14 and dependents.

D. Point IV – Claim 25 should not have been rejected under 35 U.S.C. 103(a) based on Dreifus in view of Reidinger

The examiner has rejected claim 25 under 35 U.S.C. 103(a) based on Dreifus in view of Reidinger.

Claim 25 of the present application specifies:

25.A method comprising:
placing a first device in an enclosure;
placing a second device in the enclosure;
sealing the enclosure while the first device and the second device are in the enclosure;
causing the first device to exchange a key with the second device while the first device and the second device are in the enclosure and while the enclosure is sealed;
removing the first device and the second device from the enclosure after the key exchange; and
using the key to allow the first device and the second device to communicate with each other using methods of authentication outside the enclosure.

As previously discussed, Dreifus does not disclose placing first and second devices into an enclosure and then sealing the enclosure, while the first and second devices are in the enclosure. In Dreifus, cards 2 and 2' are placed in terminal 20, but the terminal is not sealed while the cards 2 and 2' are in the terminal 20. (Dreifus, Figs. 8A-8B, col. 16, lns. 7-44). In addition, as also previously discussed, there is no disclosure in Dreifus that the cards 2 and 2' communicate with each other outside of the terminal 20. Rather in Dreifus, one of the cards 2 or 2' is used to replace one of the other cards 2 or 2'. (Dreifus, Figs. 8A-8B, col. 16, lns. 7-44).

The examiner appears to concede that "Dreifus does not explicitly disclose sealing the enclosure while the first device and the second device" are in the enclosure and then "causing the

first device to exchange a key with the second device while the first device and the second device are in the enclosure and while the enclosure is sealed." (8/24/04 office action, pg. 5, third paragraph, some apparent spelling errors). However, the examiner asserts that it would be obvious to do so in view of Reidinger. The applicant strongly disagrees with the examiner. Reidinger is directed towards a "packaging unit" (Reidinger, col. 1, lns. 50-53). Reidinger does not disclose that its printed circuit boards 4a and 4b communicate with each other at all. In fact, since Reidinger's printed circuit boards 4a and 4b are inserted into separate shielding bags 3a and 3b, respectively, it in all likelihood is not possible for printed circuit boards 4a and 4b to communicate with each other while each is in its separate bag. (Reidinger, col. 4, lns. 17-20 and lns. 36-42; col. 3, lns. 1-13).

Respectfully, there is no suggestion in Reidinger of placing first and second devices inside an enclosure, sealing the enclosure, and then causing the first device to exchange a key with the second device inside the enclosure.

Claim 25 is submitted to be allowable for at least the foregoing reasons. The rejection of claim 25 should not stand or fall with rejection of claims 1 and dependents, 14 and dependents, or 19 and dependents.

E. Point V – Claim 17 should not have been rejected under 35 U.S.C. 103(a) based on Dreifus in view of Brothers

Claim 17 has been rejected under 35 U.S.C. 103(a) based on Dreifus in view of Brothers and as applied to claim 14.

Claim 17 is dependent on claim 14 and further specifies that the cord device is comprised of a radio transmitter. Claim 17 is submitted to be allowable for at least the same reasons as claim 14.

F. **Point VI – Claims 18, and 21 should not have been rejected under 35 U.S.C. 103(a) based on Dreifus in view of Reidinger and Madsen**

Claims 18 and 21 have been rejected under 35 U.S.C. 103(a) based on Dreifus in view of Reidinger and Madsen.

Claim 18 is dependent on claim 14 and is submitted to be allowable for at least the same reasons as claim 14. Claim 21 is dependent on claim 19 and is submitted to be allowable for at least the same reasons as claim 19.

G. **Point VII – Claims 22-24 should not have been rejected under 35 U.S.C. 103(a) based on Dreifus in view of Reidinger and Madsen**

Claims 22-24 have been rejected under 35 U.S.C. 103(a) based on Dreifus in view of Reidinger and Madsen.

Claim 22 specifies:

A portable device comprised of:
a Bluetooth transmitter;
a port for physically and electronically connecting the portable device to a first device;
wherein in a first mode the Bluetooth transmitter of the portable device locates a second device and performs a key exchange with the second device via a wireless channel;
and wherein in a second mode the port of the portable device is physically and electronically connected to the first device so that the portable device can communicate with the first device; and wherein the portable device communicates a key to the first device obtained from the key exchange with the second device.

With regard to claim 22 the examiner concedes that: "Even when combined, Reidinger and Dreifus do not explicitly disclose that the transmitter is a Bluetooth transmitter." (8/24/04 office action, pg. 16, paragraph 3). Although the Madsen reference discussed Bluetooth technology, Madsen does not suggest using this technology to perform a key exchange via a wireless channel with a second device and then using the key to communicate with a first device via a physically connected channel.

Claim 22 is submitted to be allowable for at least the foregoing reasons. Claims 23 and 24 are dependent on claim 22 and are submitted to be allowable for at least the same reasons. The rejection of claim 22 and dependents should not stand or fall with the rejection of previous claims.

H. **Point VIII – Claim 8 should not have been rejected under 35 U.S.C. 103(a) based on Dreifus in view of Reidinger and Pihl**

The examiner has rejected claim 8 under 35 U.S.C. 103(a) based on Dreifus in view of Reidinger and Pihl. The examiner is respectfully submitted to be incorrect.

Claim 8 specifies:

> 8. The method of claim 6 further wherein
> the enclosure is comprised of glass and the filtering material is attached to the glass.

Claim 8 is dependent on claim 6 which is dependent on claim 1. Claim 8 is submitted to be allowable for at least the same reasons as claim 1. As previously stated, cards 2 and 2' of Dreifus are not placed into an enclosure, which is then sealed. Further cards 2 and 2' of Dreifus do not transmit and receive information to and from each other in a sealed enclosure contrary to the examiner's suggestions on pg. 20 of the 8/24/04 office action.

In addition, the examiner concedes that "Even when combined, Reidinger and Dreifus do not explicitly teach that the enclosure is comprised of glass and the filtering material is attached to the glass." However, the examiner incorrectly asserts it would be obvious to have an enclosure comprised of glass with a filtering material attached to the glass in light of Pihl citing Pihl col. 2, lns. 37-60, and col. 3, lns. 49-57. (Examiner's 8/24/04 office action, pg. 20, first paragraph). The examiner's cites to Pihl do not disclose "glass" or filtering material attached to glass. The examiner's rejection of claim 8 is submitted to be incorrect. The rejection of claim 8 does not stand or fall with rejections of other claim.

XII. CONCLUSION

In view of the foregoing, the remaining claims (claims 1-25) in the case are considered to be in a condition for allowance. Favorable reconsideration of this application, is respectfully requested.

DATED: 9/1/04

Respectfully submitted,

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APPENDIX OF FINAL FORM OF CLAIMS INVOLVED IN APPEAL

1. A method comprising:

placing a first device in an enclosure;

placing a second device in the enclosure;

sealing the enclosure while the first device and the second device are in the enclosure;

causing the first device to exchange a key with the second device while the first device and the second device are in the enclosure and while the enclosure is sealed;

removing the first device and the second device from the enclosure after the key exchange; and

using the key to allow the first device and the second device to communicate with each other using methods of encryption outside the enclosure.

2. The method of claim 1 further comprising the step of:

using the key to allow the first device and the second device to communicate with each other using methods of authentication outside the enclosure.

3. The method of claim 1 wherein

the first device is electronic; and

the second device is electronic.

4. The method of claim 1 further wherein

the enclosure is a plastic bag coated with a filtering material

wherein the filtering material of the enclosure prevents electromagnetic radiation of a

particular bandwidth from escaping from the enclosure.

5. The method of claim 4 further wherein

the filtering material is comprised of metal

6. The method of claim 1 further wherein

the enclosure is a container having sides comprised of a filtering material;

wherein the filtering material of the enclosure prevents electromagnetic radiation of a particular bandwidth from escaping from the enclosure.

7. The method of claim 6 further wherein

the filtering material is comprised of metal

8. The method of claim 6 further wherein

the enclosure is comprised of glass and the filtering material is attached to the glass.

9. The method of claim 6 further wherein

the enclosure is comprised of plastic and the filtering material is attached to the plastic.

10. The method of claim 1 further wherein

the enclosure is comprised of a first and a second compartment;

wherein the first and second compartment are separated by a separation device;

and wherein the method further comprises placing the first device in the first

compartment and the second device in the second compartment.

11. The method of claim 10 further wherein

the separation device when closed prevents the first device from communicating with the second device;

and the separation device when opened allows the first device to communicate with the second device.

12. The method of claim 11 wherein

the separation device is comprised of a door which can be opened after the enclosure is sealed.

13. The method of claim 12 wherein

the separation device is comprised of a filtering material.

14. A method comprised of the steps of:

placing a first device into an enclosure;

connecting the first device to a transmitter, wherein the transmitter is connected to a first end of a cord device the first end of the cord device being inside the enclosure;

sealing the enclosure while the first device is in the enclosure and while the first device is connected to the transmitter;

wherein the cord device has a second end which is outside the enclosure; and wherein

the method further is comprised of connecting a second device which lies outside the

enclosure, to the second end of the cord device;

and after connecting the first device to the first end of the cord device and after connecting the second device to the second end of the cord device, causing the first device to exchange a key with the second device while the first device is in the sealed enclosure;

removing the first device from the enclosure after the key exchange; and

using the key to allow the first device and the second device to communicate with each other using methods of encryption with the first device outside of the enclosure.

15. The method of claim 14 further wherein

the cord device is comprised of an electrical cord.

16. The method of claim 14 further wherein

the cord device is comprised of an optical cable.

17. The method of claim 14 further wherein

the cord device is comprised of a radio transmitter.

18. The method of claim 14

wherein the transmitter is a Bluetooth transmitter.

19. An apparatus comprising:

means for causing a first device to exchange a key with a second device; and

means for preventing a third device from determining a key which is exchanged between

the first device and the second device, and

wherein the means for preventing the third device from determining the key is comprised of an enclosure having a filtering material;

wherein the enclosure is adapted to that it can completely surround both the first device and the second device in order to prevent the third device from determining the key.

20. The apparatus of claim 19 wherein

the enclosure is adapted so that the first and second devices can be simultaneously placed into the enclosure and the enclosure can be sealed.

21. The apparatus of claim 19 wherein

the first and second devices exchange the key in a wireless manner.

22. A portable device comprised of:

a Bluetooth transmitter;

a port for physically and electronically connecting the portable device to a first device;

wherein in a first mode the Bluetooth transmitter of the portable device locates a second device and performs a key exchange with the second device via a wireless channel;

and wherein in a second mode the port of the portable device is physically and electronically connected to the first device so that the portable device can communicate with the first device; and wherein the portable device communicates a key to the first device obtained from the key exchange with the second device.

23. The portable device of claim 22

wherein the portable device is a PCMCIA card which incorporates a Bluetooth transmitter;

and the first device is a PCMCIA port.

24. The portable device of claim 22

wherein the portable device is in the shape of a floppy disc which incorporates a Bluetooth transmitter;

and the first device is a disc drive which can be electrically connected to the portable device.

25. A method comprising:

placing a first device in an enclosure;

placing a second device in the enclosure;

sealing the enclosure while the first device and the second device are in the enclosure;

causing the first device to exchange a key with the second device while the first device and the second device are in the enclosure and while the enclosure is sealed;

removing the first device and the second device from the enclosure after the key exchange; and

using the key to allow the first device and the second device to communicate with each other using methods of authentication outside the enclosure.

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